

287199

J. Ashley Cooper
Partner
 Telephone: 843.727.2674
 Direct Fax: 843.727.2680
 ashleycooper@parkerpoe.com

Atlanta, GA
 Charleston, SC
 Charlotte, NC
 Columbia, SC
 Greenville, SC
 Raleigh, NC
 Spartanburg, SC

August 30, 2019

Via Hand Delivery

Jocelyn G. Boyd
 Chief Clerk/Administrator
Public Service Commission of South Carolina
 Post Office Drawer 11649
 Columbia, SC 29211

RECEIVED
 2019 AUG 30 PM 3:09
 SC PUBLIC SERVICE
 COMMISSION

**Re: Beulah Solar, LLC – Request for Approval of Confidential Settlement
 Agreement and Mutual Release and Confidential Treatment
 Docket Number 2018-401-E**

Dear Ms. Boyd:

Dominion Energy South Carolina, Inc. ("DESC") (formerly South Carolina Electric & Gas), hereby files with the Public Service Commission of South Carolina (the "Commission") and seeks approval of the Confidential Settlement Agreement and Mutual Release (the "Settlement") between DESC and Beulah Solar, LLC ("Solar Developer"), with such approval to be made effective as of August 28, 2019, the effective date of the Settlement.

Solar Developer plans to construct an approximately 74.9 MW solar generating facility that will be a Qualifying Facility as defined by Federal Energy Regulatory Commission Regulation 18 C.F.R. § 292.204. Solar Developer entered into an Interconnection Agreement ("IA") with DESC on September 24, 2018. On December 28, 2018, Solar Developer filed a Motion to Maintain Status Quo (the "Motion") and a Request for Modification (the "Request") in the above-referenced docket. The Motion related to certain provisions of the IA. Now, the parties have entered into the Settlement, subject to the approval of the Commission, to amicably resolve the issues pertaining to the Motion. Upon approval by the Commission, the parties will submit a Joint Motion to Withdraw the Motion. The Settlement does not require withdrawal of the Request.

However, due to the commercially sensitive and proprietary nature of the Settlement, as well as the highly competitive nature of the industry in which Solar Developer and DESC operate, DESC and Solar Developer have agreed to keep the terms of the Settlement confidential. In accordance with the terms of the Settlement, DESC and Solar Developer respectfully request that the Commission find that the Settlement contains protected information and issue a protective order barring the disclosure of the Settlement under the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 et seq., S.C. Code Ann. Regs. 103-804(S)(1), or

any other provision of law. Pursuant to S.C. Code Ann. Regs. 103-804(S)(2), the determination of whether a document may be exempt from disclosure is within the Commission's discretion.

To this end, and in accordance with Commission Order No. 2005-226, dated May 6, 2005, in Docket No. 2005-83-A, we enclose with this letter a redacted version of the Settlement that protects from disclosure the sensitive, proprietary and commercially valuable information, while making available for public viewing non-protected information. We also enclose a copy of the unredacted Settlement in a separate, sealed envelope and respectfully request that, in the event that anyone should seek disclosure of this unredacted version, the Commission notify DESC of such request and provide it with an opportunity to obtain an order from this Commission or a court of competent jurisdiction protecting the Settlement from disclosure.

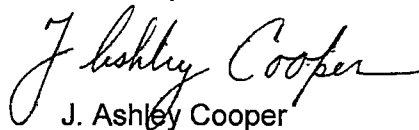
Enclosed are the following:

1. A true and correct copy of the original Settlement in a sealed envelope marked "CONFIDENTIAL." Each page of the Settlement is also marked "CONFIDENTIAL."
2. Ten (10) copies of a redacted copy of the Settlement for filing and public disclosure.

By copy of this letter, we are providing the South Carolina Office of Regulatory Staff ("ORS") with a redacted copy of the Settlement for its records. Additionally, DESC will make the original, unredacted copy of the Settlement available to ORS for its review.

In conclusion, DESC and Solar Developer respectfully request that the Commission approve the Settlement with an effective date of August 28, 2019. Thank you for your assistance and consideration of this matter. If you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,



J. Ashley Cooper

JAC:hmp

cc: (Via Electronic Mail)
Richard L. Whitt
Jenny R. Pittman

RECEIVED

2019 AUG 30 PM 3:03

SC PUBLIC SERVICE COMMISSION

CONFIDENTIAL SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This CONFIDENTIAL SETTLEMENT AGREEMENT AND MUTUAL RELEASE (the "Agreement") is made and entered into by and between Beulah Solar, LLC ("Beulah"), and Dominion Energy South Carolina, Inc. ("DESC"), this 28th day of August, 2019 (the "Effective Date"). Beulah and DESC are collectively referred to herein as the "Parties."

WHEREAS, on December 28, 2018, Beulah filed a Request for Modification (the "Request") with the Public Service Commission of South Carolina (the "Commission") in Docket No. 2018-401-E seeking a modification of its Interconnection Agreement (the "Original IA") with DESC on September 24, 2018, for a 74.9 MW solar project (the "Project");

WHEREAS, on December 28, 2018, Beulah also filed a Motion to Maintain Status Quo (the "Motion") to toll its obligations under the Original IA while the Commission addressed the issues underlying the Request;

WHEREAS, DESC opposes Beulah's allegations set forth in the Request and the Motion, and opposes the relief sought before the Commission by and through the Request and the Motion;

WHEREAS, to avoid the costs, disruption, and distraction of further litigation under the Motion and the filings arising from the Motion (the "Action"), and without admitting the validity of any allegation made in the Request or the Action, the Parties have agreed to resolve any and all claims, disputes, and all matters that were raised or that could have been raised in the Action. Notwithstanding the foregoing, this Agreement does not impact the allegations and relief sought in the Request, which remains pending before the Commission.

NOW, THEREFORE, for and in consideration of the mutual promises hereinafter expressed, it is hereby agreed by and between the Parties as follows:



RECEIVED

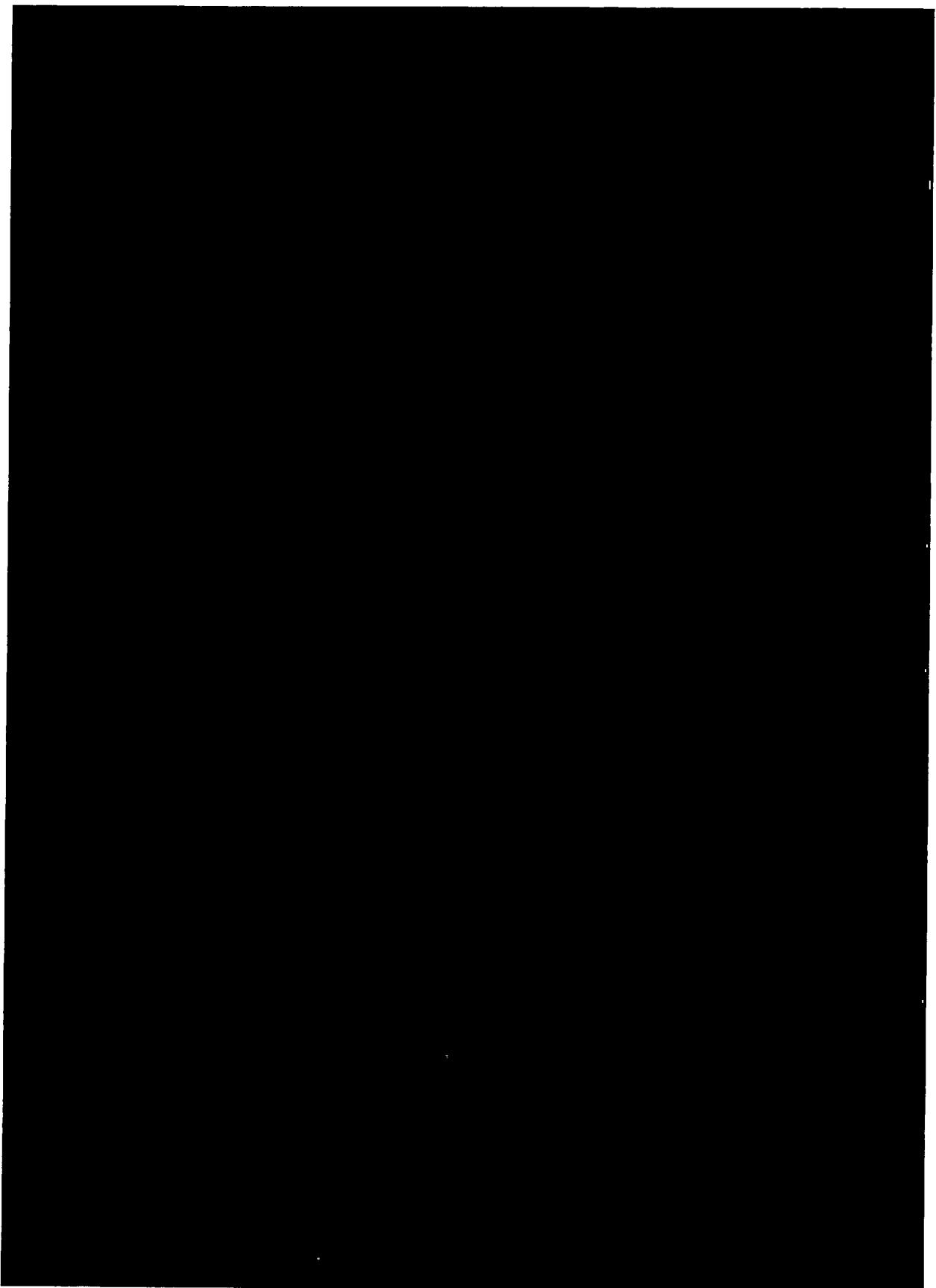
2019 AUG 30 PM 3:03

SC PUBLIC SERVICE COMMISSION

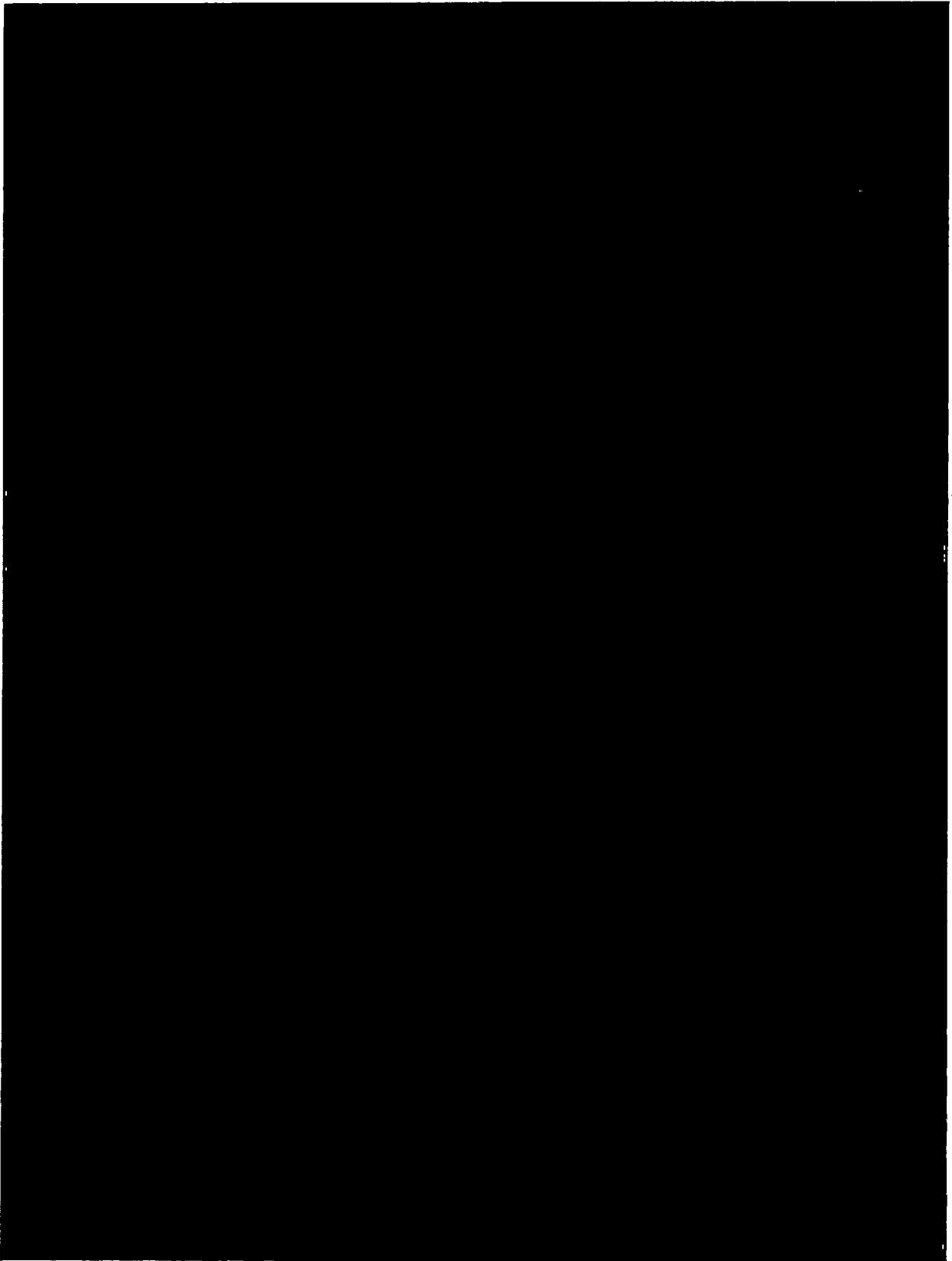
[Handwritten signature]

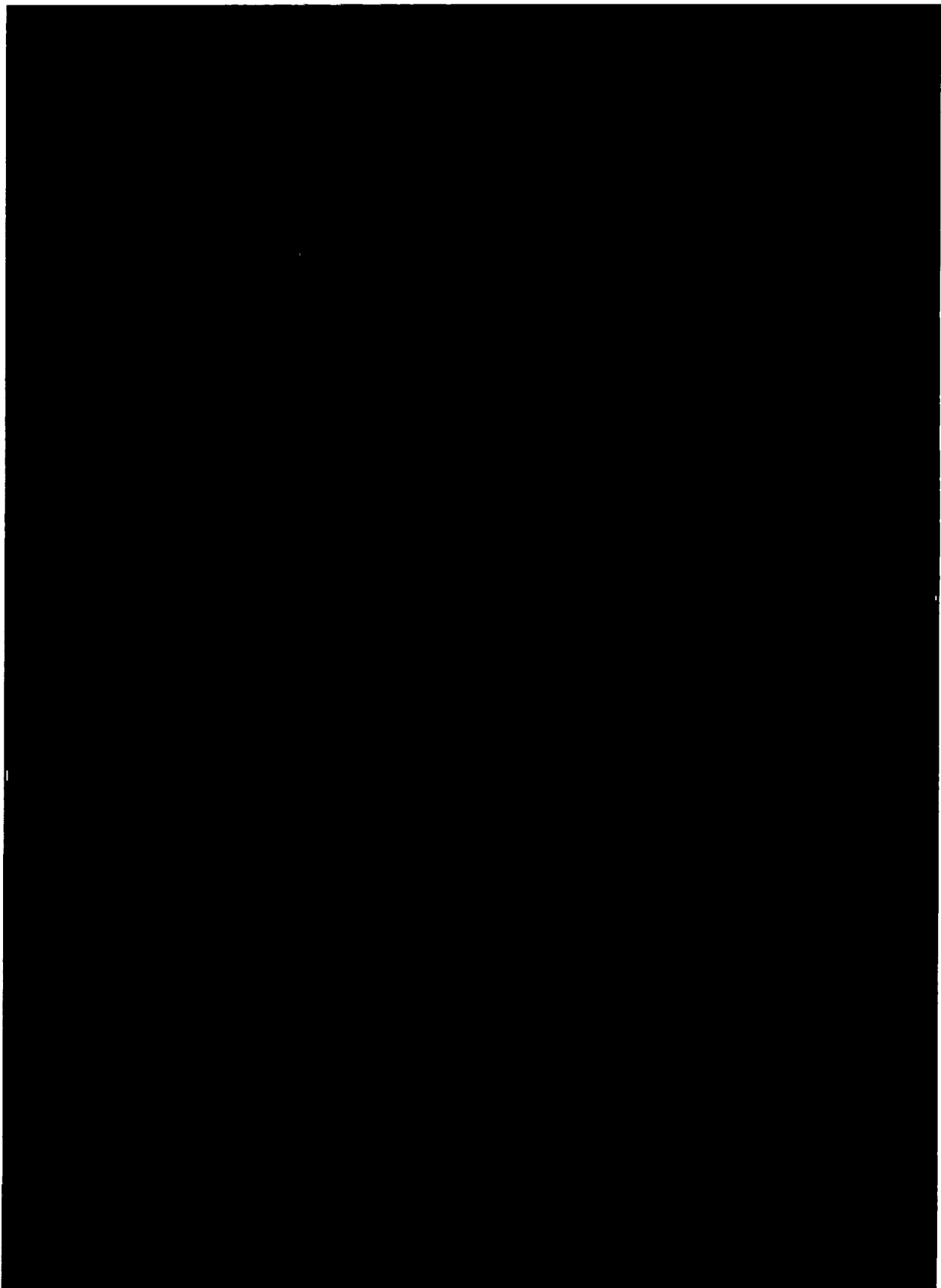
A handwritten signature in black ink, appearing to be a stylized 'M' or 'W' with a flourish.

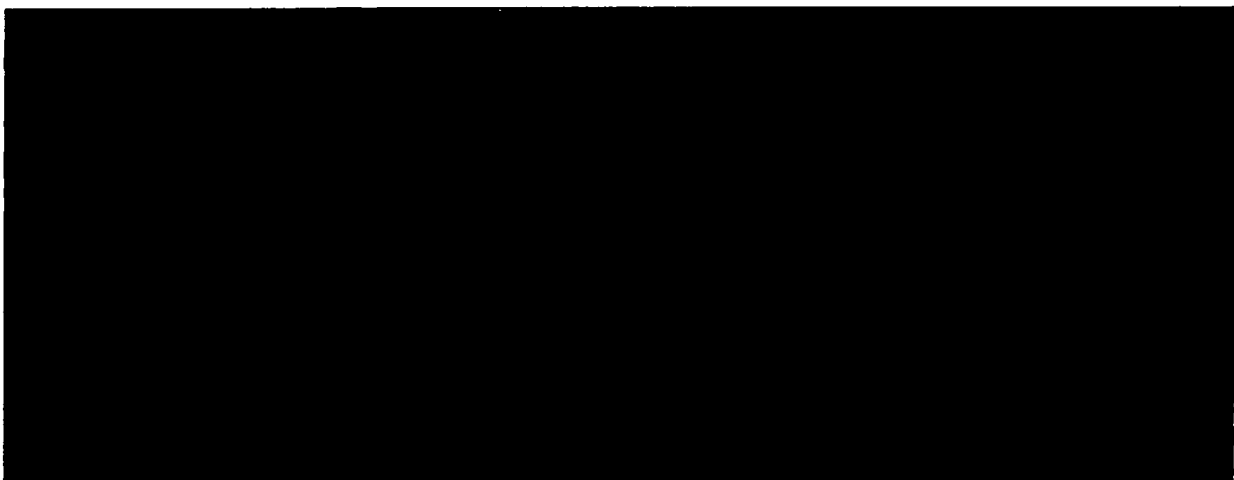
mw



[Handwritten signature]



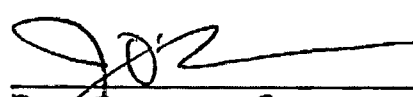
A handwritten signature in black ink, appearing to be 'Rw' or similar, located at the top right of the page.



[signature pages follow]

IN WITNESS WHEREOF, the Parties have executed this Agreement under seal, as of the Effective Date.

BEULAH SOLAR, LLC


By: Jerome O'Brien
Its: Authorized Person

STATE OF SOUTH CAROLINA
COUNTY OF _____

Personally appeared before me _____, to me known to be the person described herein and who executed the foregoing Confidential Settlement Agreement and Mutual Release and acknowledged that he/she executed the same as his/her free act and deed.

Sworn to before me this _____ day of _____, 2019.

_____(SEAL)
Notary Public for _____
My Commission Expires: _____

Please see attached

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

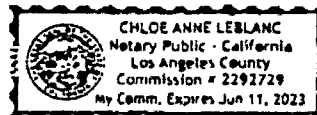
State of California
County of Los Angeles

On 08/23/2019 before me, Chloe Anne LeBlanc, Notary Public
(insert name and title of the officer)

personally appeared Jerome O'Brien,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature] (Seal)

Confidential Settlement Agreement ; Mutual Release

DOMINION ENERGY SOUTH CAROLINA, INC.

Keller Kissam
By: KELLER KISSAM
Its: President, Electric Operations

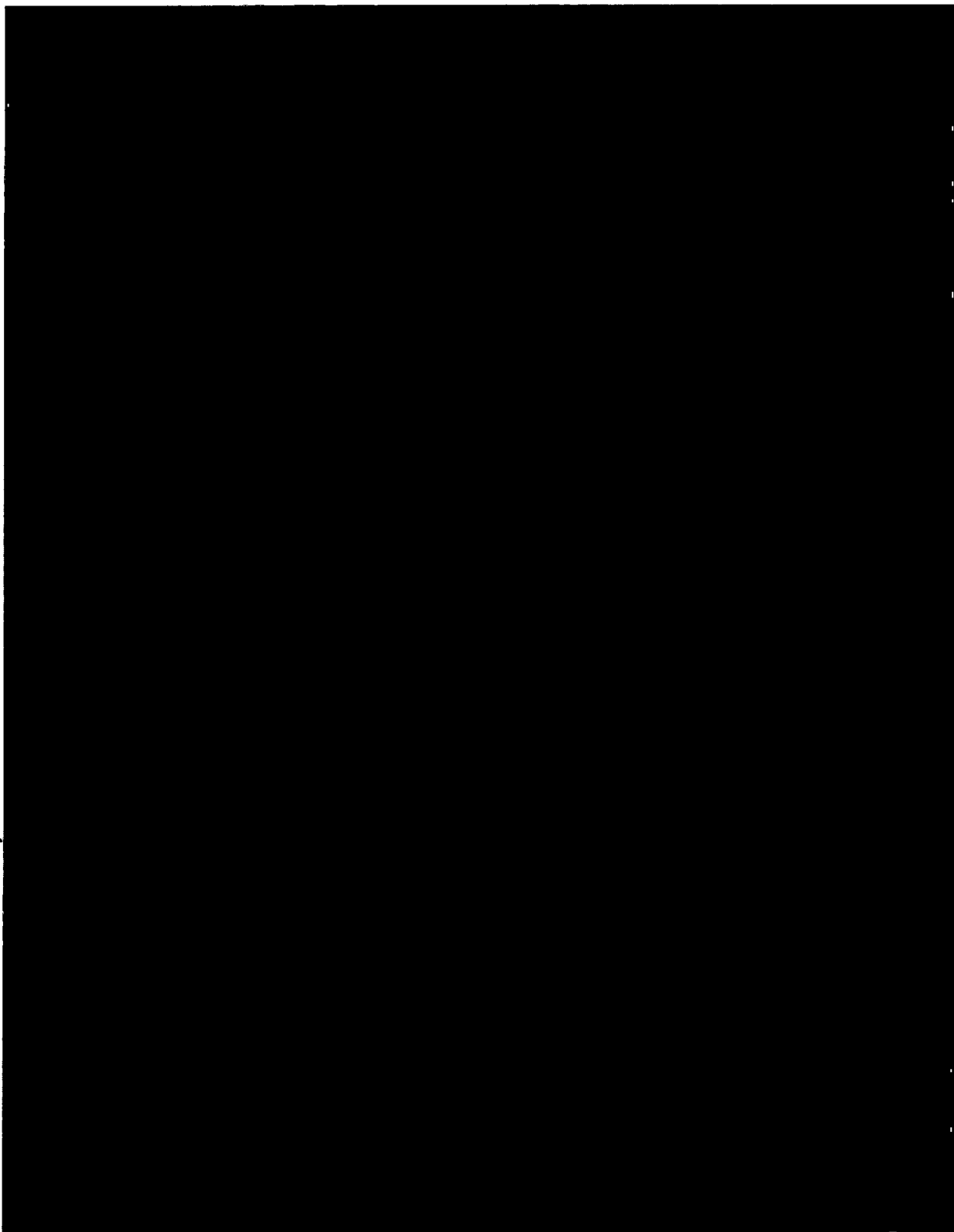
STATE OF SOUTH CAROLINA
COUNTY OF Lexington

Personally appeared before me Keller Kissam, to me known to be the person described herein and who executed the foregoing Confidential Settlement Agreement and Mutual Release and acknowledged that he/she executed the same as his/her free act and deed.

Sworn to before me this 28 day of August, 2019.

Kate McRae Thayer (SEAL)
Notary Public for South Carolina
My Commission Expires: March 12, 2024

EXHIBIT A



[REDACTED]

[REDACTED]

